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PTO/SB/17 (10-03)

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Effective 10/01/2003. Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

Application Number 09/351,723
Filing Date 7/12/1999
First Named Inventor Robert C. Wohlson
Examiner Name Azad, A.
Art Unit 2654
Attorney Docket No. 1094

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METHOD OF PAYMENT (check all that apply)

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Deposit Account Name Charles E. Gottlieb

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 21 - 22** = X =
Independent Claims 3 - 3** = X =
Multiple Dependent =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	**Reissue independent claims over original patent
1205 18	2205 9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge-late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2520	1812 2520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1840*	1805 1840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1480	2254 740	Extension for reply within fourth month	
1255 2010	2255 1005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1510	1451 1510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1330	2453 665	Petition to revive - unintentional	
1501 1330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

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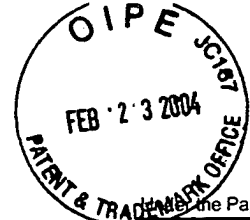
(Complete if applicable)

Name(Print/Type) Charles E. Gottlieb
Registration No. 38,164
Telephone 650-328-0100
Signature Charles E. Gottlieb
Date 2/17/2004

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PTO/SB/21 (modified) (05-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/351,723	
	Filing Date	7/12/1999	
	First Named Inventor	Robert C. Wohlsen	
	Art Unit	2654	
	Examiner Name	Azad, A.	
Total Number of Pages in This Submission	16	Attorney Docket Number	1094

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Charles E. Gottlieb
Signature	
Date	February 17, 2004

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Typed or printed name	Audrey Yang		
Signature		Date	February 17, 2004

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FEB 25 2004

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APPLICANT: Robert C. Wohlsen et. al.

SERIAL NO: 09/351,723

FILING DATE: 7/12/1999

TITLE: METHOD AND SYSTEM FOR IDENTIFYING A USER BY VOICE

GROUP ART UNIT: 2654

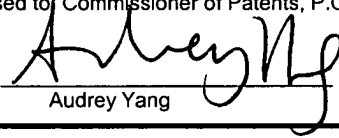
ATTY DOCKET NO: 1094

EXAMINER: Azad, A.

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Date: 2/17/2004


Audrey Yang

THE HONORABLE COMMISSIONER OF PATENTS, ALEXANDRIA, VA 22313

REPLY BRIEF UNDER 37 C.F.R. 1.193

SIR:

Responsive to Examiner's Answer mailed 12/17/2003:

The 112 Rejection

Citing no authority, the Examiner has asserted certain 112 rejections in the Official Actions.

Applicants have provided competent, authoritative
5 evidence that the rejection is improper. Examiner
cites no authority in support of his position in
Examiner's Answer on pages 7-8 (subsection A).

Examiner seems to be asserting on page 8, lines
3-4 of Examiner's Answer, that, although the term
10 "speaker independent voice recognition" was proper at
the time the cited edition of Newton's Telecom
Dictionary was published, it isn't any longer. The
edition cited in appellant's appeal brief was
published in 1998, the year before the application was
15 filed. Attached as amendment A is the 2003 version of
Newton's Telecom Dictionary which contains the same
term as is used in the claims, with the same
definition as was published in 1998. This is credible
authority for Applicant's position. Examiner has
20 again cited no authority for his position. Therefore,
the 112 rejection should be dismissed.

The Issue of Elements 221 and 222

Elements 221 and 222 recognize a spoken password,
and then confirm the recognition to the user. For

example, if the user speaks a password of "3456", elements 221 and 222 describe the recognition of the spoken password, and the confirmation, such as "You said 3456". In the Appeal Brief, Appellants argued
5 that this did not teach or suggest "responsive to the voice recognition technique, selecting from the first plurality of users a second plurality of users, smaller than the first plurality of users by a factor of at least ten, for which the first voice recognition
10 most closely matches at least one selected from the set of at least one grammar and the set of at least one voiceprint associated with the identifiers of the second plurality of users."

Examiner's Answer contains several points in
15 response, none of which prove what Examiner is required to prove.

Examiner states in the second paragraph of page 9 in Examiner's Answer that by recognizing the pass number, it would obviously cut down a small number of
20 users from a large number", but does not state that it would correspond to the remaining limitations of the claims, namely "for which the first voice recognition most closely matches at least one selected from the set of at least one grammar and the set of at least

one voiceprint associated with the identifiers of the second plurality of users." Examiner states that Schier matches grammars (citing Schier, col. 2, lines 4-10) at Examiner's answer, page 9, in the center of
5 the second paragraph, and voiceprints, but Schier only discusses voiceprints and passwords and the like at column 2, lines 4-10, so it isn't clear what point Examiner is making.

Examiner also states in the second paragraph of
10 page 9 that the selecting the closely matching user step is inherent in the fact that the abstract of the reference states that the user is identified. Again, Examiner does not state that the user is identified in the manner claimed, and the mere identification of the
15 user could be performed in other ways. For example, since a password is being uttered, speaker independent voice recognition can be used to recognize the password, and then the recognized password can be compared to the user's password to identify the user.
20 It is not inherent that a grammar of that user be used at all to recognize a user, as claimed. Therefore, the appealed claims are patentable over the cited references.

Voice Reorganization System

On page 9 (subsection C) of Examiner's answer, Examiner points out that the rejection was also based on art that Examiner asserted to be well known prior art, namely , a "voice reorganization (sic) system" 5 which now appears as a "voice recognition system" in Examiner's answer.

Examiner has asserted on page 3 of Examiner's answer that the rejection made in the final office action is reproduced in on pages 4-7 of Examiner's 10 answer. However, without mentioning that any change was made, Examiner has in fact changed the rejection that had actually been provided in the final office action, which read in the last paragraph of page 4 of the final office action, "voice reorganization system" 15 to read on page 4 of Examiner's Answer as "voice recognition system". Examiner clearly asserts on page 3 of Examiner's Answer that Examiner was in fact, reproducing the rejections from the final office action. If Examiner is going to assert that he is 20 reproducing the rejection from the final office action, Examiner should reproduce it, not change it. Alternatively, Examiner should state to the appeals board that he has changed the rejection from the final action.

In the response to this assertion of "well known prior art", applicants requested Examiner to provide evidence of such a system and its details of operations. Examiner did not provide any such details as Examiner was required to do under M.P.E.P. 2144.03. Thus, the "reference" is not part of the case.

Examiner states that the voice reorganization system was an obvious typographical error for a "voice recognition system", but still has provided no details of that system that show that it meets all of the claim limitations. Kanevsky does not teach the claim limitations, which is why Examiner was bringing in the "well known prior art" in the first place. Kanevsky does not discuss the at least the factor of ten limitation in the claim.

Furthermore, Examiner stated near the bottom of page 4 of the final action that it would be obvious to combine the well known teaching because voice recognition has the ability to recognized (sic) persons (sic) unique characteristics of utterance. This may or may not be true, but Examiner never explained why there was any motivation to combine this function in a password protected system like Schier. Schier relies on the user's knowledge of the password

to identify a single user from the others. Schier does not need to identify the person's unique characteristics because Schier relies on an entirely different arrangement: the user's knowledge of the password. Examiner, however, seeks to pick and choose elements from the reference with no motivation other than the hindsight reconstruction of Applicant's invention. Therefore, the appealed claims are patentable over the cited references.

10 Reduction by At least a Factor of Ten

On Page 10 (response to D) of Examiner's Answer, Examiner appears to state that 1)the claim is unsupported by the specification; 2)this gives the Examiner the right to redraft the claim in a manner that is supported by the specification; 3)when Examiner does redraft the claim in a manner that is supported by the specification, the cited reference anticipates the claim. Implicit in this argument is the fact that the cited reference does not anticipate the language of the claim as written.

First, Applicants' attorney genuinely appreciates such a creative argument. As imaginative as the argument may be, the argument is unsupported by law or fact, however, so Examiner's argument fails. First,

the specification does support the claim as written, including, without limitation, at page 13, lines 8-12, "For example, name recognizer **244** can attempt to narrow the list down to ten accounts or even a
5 hundred, which may be smaller than the number of valid, enrolled accounts, which may number in the thousands, tens of thousands, hundreds of thousands or millions." Thus, the claim limitation at issue is supported by the specification.

10 Second, Examiner can interpret claims in light of the specification and give them broad accepted meaning. Examiner can further reject a claim that is unsupported by the specification under 35 U.S.C. 112. But what Examiner cannot do is redraft a claim, for
15 any reason, to make it fit a reference better. Examiner must live with the claim language at hand. By Examiner's implication, the reference does not anticipate the claim term (if it did, presumably Examiner would not have to resort to impermissibly
20 rewriting it). Therefore, the appealed claims are patentable over the cited references.

Examiner takes another stab at this in his response to G on page 11. However, again, Examiner is required to show each of the features claimed, and

Kanevsky's abstract does not do this in the manner claimed, nor does it "imply" a drastically reduced list as Examiner states without any explanation. A reduction by one out of one hundred would fulfill Kanevsky's abstract. Therefore, the appealed claims are patentable over the cited references.

No Motivation to Combine.

In Examiner's response to E and F on pages 10-11 of Examiner's Answer, Examiner attempts to make up for the lack by Examiner's in any office action rejection of any motivation to combine by stating one for the first time in Examiner's answer. Unfortunately, it is too late at this point in the prosecution of this case for Examiner to supply such a motivation.

Furthermore, Examiner supplies no source of this motivation, other than the hindsight reconstruction of Applicant's invention. Because no motivation to combine was supplied in prosecution, and no valid motivation has been supplied even now, Examiner has not met his burden under 35 U.S.C. 103 and the appealed claims are patentable over the cited references.

No Recitation of Structure

On page 11 of Examiner's Answer, in Examiner's response to H, Examiner still has not shown the claimed structure that appellants in their appeal brief stated was not shown. Examiner believes that he
5 may reject claims that recite structure based on rejections of other claims that do not recite structure. First, as noted above, those rejections are unfounded. Assuming for the sake of argument that the rejections of other claims was persuasive,
10 Examiner must show each and every feature of the claim at issue, and cannot point to another claim that has certain language similar to the claim being rejected as the sole basis for Examiner's rejection of the claim at issue. Examiner's statement of inherency of
15 a second user does not appear to address the issue, which is whether the claimed structure has been anticipated by the references. Therefore, claim 30 is patentable over the cited references.

The section 112 rejection should be withdrawn and
the appealed claims are patentably distinguishable
over the cited references. Favorable action is
solicited.

5

February 17, 2004

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By: 

Charles E. Gottlieb

Registration No. 38,164

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Amendment A: Newton's Telecom Dictionary, 2003 Edition

NEWTON's TELECOM DICTIONARY

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Nineteenth Edition

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is used mostly by local bridges; it is not economical for use over connecting remote bridges.

Protocol Invention of links between networks so that

disseminated along one route and will not search endlessly for a des-

ired destination Protocol.

Standard open, MS-based (Reduced Instruction Set Computer) orth-

ness. SNA is the basis for Sun's own computer platforms and it's

Microprocessors' standard microprocessors supporting Sbus exten-

to Sbus and above speeds. Up to 512 MB memory on-board.

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the user down, or payload. The SFC comprises 783 octets, organized into 87 columns and 9 rows. Three different payload structures are defined to address different input require-ments: 1. Direct-to-SIS-1 line rate multiplexing takes 28 DS-3s, 14 DS-4s or 7 DS-2s direct-ly into the S1.84 Mbps rate. Each is uniquely transported within the SFC; 2. Asynchronous DS-3 Multiplexing takes a complete asynchronous DS-3 bundle (the output of an M13 for example) into the SFC; 3. Synchronous DS-3 Multiplexing maps a Symmetric DS-3 signal to the SFC. See also VI.

Speaker Adaptive Speech recognition which improves with use. See: Speech Recognition.

Speaker Dependent Voice Recognition Technology capable of recog-

nizing speech from a given user or others who sound like this user after completion of an enrollment procedure. It is not voice verification although it is sometimes confused with this technology.

Speaker Identification Speaker identification is used to determine the identity of a known speaker. It is accomplished by taking spoken input and searching a data-

base of all known system users for a match. Due to its speaker dependent recognition char-acteristics, you must first be enrolled as a user prior to using the system. To enroll as a user, an individual is required to speak one or more password phrases which are recorded.

These phrases create a reference templates which are stored in the system user database for later use during identification sessions. When in operation, the individual using the sys-

tem is prompted for a specific password or password phrase. When speaking the prompt, the system creates a new template. The template is then compared to all refer-

ence templates in the system for that particular password. The reference template with the closest match is selected. The uniqueness of each user's voice and the finite number of

users of the system makes the identification accuracy quite high. With speaker identifica-

tion the speaker does not claim to be a particular individual. He or she is identified from a group of common users. For the most part, this technology is used for hands free opera-

tion of a system where messages and other information specific to that individual individ-

ual are pushed-up for use at that time.

Speaker Independent Voice Recognition SIR or SNR. Technology

capable of recognizing any user's voice without prior training or knowledge of the user. SIR

converts speech to accurate and meaningful textual information (typically ASCII). SIR is

used to accept input from callers to voice processors where the callers are using rotary dial

phones instead of touchtone phones. SIR can substitute for the numbers on the DTMF key-

pad and can add the benefit of a few basic voice commands, e.g., Yes, No, Help, etc.

Because computer processing demands are formidable with speaker independent recog-

nition, accurate speaker independent products are feature large vocabularies at lower

costs. SIR has been slowly gaining acceptance in telephone applications. SIR is increas-

ingly used in automated operator assistance applications. SIR will see increased use as sys-

tem builders respond to pressures to provide voice processing functions to the enormous

many phone installed base domestically and abroad.

Speaker Recognition Having a machine recognize human voice. This is an

improvement term.

Speakerphone A telephone which has a speaker and microphone for hands free,

two-way conversation. Western Electric (now Lucent Technologies) invented the first

speaker. Western Electric was a very big name in the sound business prior to the 1956

Consolidation. Watch the credits at the end of old movies, and you'll see "Sound by Western Electric." The original speakerphone was called the "hand-speak" telephone.

Originally, a telephone loudspeaker was a peripheral device which connected to the tele-

phone set. It wasn't until the late 1970s that they were integrated into the telephone to

become speakerphones. See also Sound.

Special Access The basis of private, dedicated circuits along the network of an LEC

or CLE, which run from or to the long distance carrier ROP. Examples of special access

services are telecommunications lines running between ROPs of a single long distance car-

rier, from one long distance carrier ROP to the ROP of another long distance carrier, or from

an end-user to its long distance carrier ROP. Special access services do not require the use

of switches.

Special Access Code See Service Area Code.

Special Area Code See Service Area Code.

Special Billing Number 1) A phone number assigned to certain customers for

billing purposes. It cannot be called. It may be given to an operator as the calling number

on an outgoing paid call, or it may be used as a "third number" number. It's

on an outgoing paid call, or it may be used as a "third number" number. It's

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